
Appeal Decision

Site visit made on 14 June 2021

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 June 2021

Appeal Ref: APP/A2280/W/20/3261666

Land at 140 - 142 Frindsbury Road, Strood, Rochester ME2 4JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Khadija Ait-Amami against the decision of The Medway Council.
 - The application Ref MC/20/1236, dated 1 June 2020, was refused by notice dated 10 August 2020.
 - The development proposed is the construction of a 2 bedroom dwelling with associated parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in this appeal are;
 - The effects of the proposal on the character and appearance of the area
 - The effects of the proposal in relation to the provision of amenity space
 - Whether the proposed parking provision is acceptable.

Reasons

Character and appearance of the area

3. The appeal relates to this open rectangle of land which fronts onto the busy Frindsbury Road (A228). There is a mixture of properties along the road and the site is bounded by Victorian terraces (the nearest being No 136) and a mid-late 20th Century house at No 144 on the other side. No 136 is sited at the back edge of the pavement whilst No 144 and its neighbours are set further back.
4. The proposed house would be 3 storeys in height and would have a flat roof. It would be the same overall height as No 136 and would be sited at the edge of the pavement, with some small set-backs at the upper floors. The proposal would contain balconies with glazed screens and some sections of pitched roofs running across elevations. The windows would be a combination of types and sizes including double floor height, floor to ceiling height and high level windows.

5. The proposal would fill much of the appeal site with only a small section of open space at one rear corner, closest to No 136. Taking account of the position of the site, set considerably forward of No 144, it would appear prominent and obvious within the street-scene. The current open and grassed nature of the site offers a transition from the houses set further away from the road and those set at the edge of the pavement. The development of the site as intended would mean that the proposed house would have a significant effect on the street-scene. The elevation facing north-east would be readily visible in public views along the length of Frindsbury Road. From here the proposed house would appear to occupy its whole site and would appear cramped, with little relief by way of space around it. I consider that this would have a harmful effect on the appearance of the area. The uncharacteristic appearance of the property would only serve to heighten its unacceptable visual effects on the area. Therefore, I find conflict with Policies BNE1 and H4 of the Medway Local Plan 2003 (LP).

Amenity Space

6. The proposal would provide a small, narrow open area between the side elevation of the building and the boundary of the site. Whilst the appellant points out that this measures around 8m in length, that area includes the bin stores and it would be a relatively narrow space bounded by the side elevation of the house for its length. I consider that it would not provide sufficient space for the normal day-to-day needs of its future occupiers and would represent a significant constraint on their ability to enjoy their home. As a result, the proposal conflicts with Policy BNE2 of the LP.

Parking

7. The proposal includes the provision of a garage for 1 car. Recognising the need to ensure that a car would need to enter and leave the site in a forward gear, the appellant has included a vehicle turntable within the proposed garage. The submitted plans indicate that the turntable would have a diameter of 4.1m and the internal dimension of the garage is indicated as 4.8m, although the Council suggests that there would be some hindrance to clearance.
8. The Council suggests that the size of the proposed turntable would mean that a car would have to be small to get onto it and precisely positioned so that its wheels are all on the turntable. In addition, if the occupiers of the property had even a medium sized car, it would have to be positioned extremely carefully so as not to touch the internal walls or the closing garage door even when stationary, let alone when the turntable is in motion. A larger car would prove very difficult to accommodate.
9. I consider that the likelihood is that residents would use the garage as a simple parking space and would not engage the turntable due to the difficulties that I envisage. Therefore, they would be likely to reverse onto the road and compromise the safety of pedestrians and other road users, as well as themselves, due to the busy nature of the road. The appellant indicates that a larger turntable could be provided. However, I have been provided with no drawings or confirmation that this can be physically accommodated within the garage; even if it could, it would not overcome all of the concerns that I have raised. As a result, the proposal conflicts with Policies T1, T2 and T13 of the LP.

Other Matters and Conclusion

10. The Council states that the proposal within 6km of the North Kent Marshes SPA/Ramsar Sites and the proposed development is likely to have a significant effect, either alone or in-combination with other projects, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff is necessary to fund strategic measures across the Thames, Medway and Swale Estuaries. Whilst it appears that the appellant is aware of this matter and had indicated to the Council that she would be prepared to pay the sum, she has not submitted any mechanism to secure payment and so the proposal raises conflict with Policies S6 and BNE35 of the LP.
11. I have taken account of the fact that the proposal would bring about an additional home in an urban area where there is demand for housing. However, I consider that the harmful effects of the proposal outweigh the benefits of granting it. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR